



ASHBY

RECEIVED  
FEDERAL ELECTION  
COMMISSION

2014 DEC 22 PM 3:14

OFFICE OF  
December 22, 2014  
COUNSEL

**By Hand Delivery**

Federal Election Commission  
999 E Street, NW  
Washington, District of Columbia 20463

Attn: Frankie D. Hampton,  
Paralegal

Re: MUR 6888

RECEIVED  
2014 DEC 22 PM 2:53  
FEDERAL ELECTION COMMISSION

**Response of The Honorable Rob Wittman and  
Rob Wittman for Congress, Steve Ralls, Treasurer**

To Whom It May Concern:

On behalf of the Honorable Rob Wittman ("Rep. Wittman") and his principal authorized campaign committee, Rob Wittman for Congress, Steve Ralls, Treasurer (the "Wittman Committee"), I submit this response to the Supplemental Complaint filed in MUR 6888 by the American Democracy Legal Fund, Brad Woodhouse, Treasurer. Because Rep. Wittman was not the beneficiary of any independent expenditure by American Crossroads, Crossroads GPS or Americans for Prosperity in his election, we urge the Commission to dismiss the Complaint as unfounded in fact as to Rep. Wittman and the Wittman Committee.

***Background***

Rep. Wittman was a candidate for re-election to the House of Representatives from the First Congressional District of Virginia in the General Election held on November 4, 2014 (the "Election").

On October 23, 2014, the American Democracy Legal Fund commenced this MUR by filing a Complaint alleging, *inter alia*, that the Republican National Committee was using a common vendor, GOP Data Trust, LLC (the "Data Trust"), to coordinate its activities with American Crossroads, Crossroads GPS and Americans for Prosperity, in violation of this Commission's regulations governing independent expenditures.

CHRIS ASHBY  
T (202) 281-5065  
E CHRIS@ASHBY-LAW.COM  
S @ASHBYLAW  
ASHBY-LAW.COM

CAMPAIGN FINANCE  
ELECTION LAW  
LOBBYIST REGULATION  
GOVERNMENT ETHICS

16044261-11



On November 3, 2014, the Complainant filed a Supplemental Complaint. In it, the Complainant indiscriminately named as respondents each and every principal authorized campaign committee of a candidate that was disclosed on reports filed with this Commission as a customer of i360, LLC ("i360"), as well as the candidates themselves, personally—including the Wittman Committee and Rep. Wittman. The Supplemental Complaint alleged that American Crossroads, Crossroads GPS and Americans for Prosperity were making "excessive, prohibited contributions" to the respondent candidates by way of coordinated communications that had been and were being facilitated through the sharing of data with the candidates' committees through the Data Trust and i360.

### ***Facts***

As reports filed with this Commission disclose, in the 2014 election cycle, the Wittman Committee was a customer of i360. However, as the Commission's records also indicate, no customer of either the Data Trust or i360—not American Crossroads, not Crossroads GPS, not Americans for Prosperity—made an independent expenditure in connection with Rep. Wittman's Election. In fact, according to the Commission's records, no one made an independent expenditure in the Election for United States Representative from Virginia's First Congressional District. See Exhibit 1.

These records were available to the Complainant at the time it filed the Complaint and the Supplemental Complaint in this matter, from the very same website from which it obtained the information included as an attachment to the Supplemental Complaint. This fact calls into question the good faith, if not the veracity, of Complainant's sworn and notarized Complaint.

### ***Argument and Analysis***

A complaint filed with this Commission must allege facts and state a legal theory sufficient to constitute a violation of the Federal Election Campaign Act, 52 U.S.C. § 301 et seq. See 11 C.F.R. § 114.1(d); see also MUR 4960, Statement of Reasons of Commissioners Mason, Sandstrom, Smith and Thomas, at 1. Complaints that fail to meet this standard must be dismissed, and cannot be allowed to proceed through the enforcement and investigation process. See 11 C.F.R. 111.6; see also MUR 5878, Statement of Reasons of Commissioners McGahn, Hunter and Petersen, at 5-6.

In this matter, the factual record is devoid of any evidence that American Crossroads, Crossroads GPS, Americans for Prosperity, any other client of the Data Trust or i360, or any other person, committee or organization whatsoever made an independent expenditure in connection with Rep. Wittman's Election. Accordingly, Rep. Wittman could not have been the recipient of the type of excessive, prohibited contribution alleged in the Supplemental Complaint—an independent expenditure that was coordinated with a candidate, candidate's campaign committee or any agent thereof.

1  
6  
0  
4  
4  
3  
6  
1  
5  
1  
2



MUR 6888  
Response of The Honorable Rob Wittman and  
Rob Wittman for Congress, Steve Ralls, Treasurer  
Page 3 of 3

***Conclusion***

For all of these reasons, we urge the Commission to dismiss the Complaint as unfounded and baseless as to Rep. Wittman and the Wittman Committee, and relieve them of the burden of any further involvement in this matter.

Respectfully submitted,

**The Honorable Rob Wittman and  
Rob Wittman for Congress,  
Steve Ralls, Treasurer**

A handwritten signature in black ink, appearing to read "Chris Ashby", followed by a long horizontal line.

Chris Ashby,  
Counsel

19084108-14-11

44-38861-10344061-1

and a 100-year-old tree, a witness

**Note: This file contains transactions from new reports and amendments.**

Transactions from a ~~new notice~~ are not removed when that notice is amended. You will find duplicate transactions in this dataset.

This file contains "24-hour" and "48-hour" reports of Independent expenditures filed during the current election cycle and for election cycles through 2010. The file contains detailed information about Independent expenditures, including who was paid, the purpose of the disbursement, date and amount of the expenditure and ... [read more](#)

Election Cycle • 2014 • 2012 • 2010

XSD   Metadata   XML   CSV

## Customize Data

Spender Name	:	<input type="text"/>	Party	:	Select	▼
Candidate Name	:	<input type="text"/>	Office	:	House	▼
Support/Oppose	:	Select ▼	Amount (>=)	:	<input type="text"/>	
Filing Date (mm/dd/yyyy) (>=)	:	<input type="text"/>	Expend Date (mm/dd/yyyy) (>=)	:	<input type="text"/>	
Candidate Office State	:	VA	Candidate Office District	:	01	

Reset Submit

Sorry, No "Expenditure" records containing your search terms were found.

[XSD](#) [Metadata](#) [XML](#) [CSV](#)